

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **CARMEN MARIA IBARRA ORTEGA**
SSN xxx-xx-2488

CASE NO: **18-01414-MCF**

Debtor(s)

Chapter 13

TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **EDGARDO VEGUILLA GONZALEZ***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$300.00** Outstanding (Through the Plan): **\$2,700.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor's/s' Commitment Period: ☒ Under Median Income 36 months ☐ Above Median Income 60 months §1325(b)(1)(B)
☐ The Trustee cannot determine debtor's/s' commitment period at this time. Projected Disposable Income: **\$0.00**

Liquidation Value: \$2,839.00 Estimated Priority Debt: \$0.00

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$2,839.00

With respect to the (amended) Plan date: **Jul 26, 2018 (Dkt 23)** **Plan Base: \$56,266.92**

The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.: TBD %

The Trustee objects to confirmation for the following reasons:

[1325(a)(5)] Plan fails to comply with required treatment of allowed Secured Claims.

- 1325 (a)(5)(A): Secured creditor(s) provided for in the plan has/have NOT ACCEPTED the same.

The plan fails to provide treatment for Army & Air Force secured claim as per POC No. 2. Debtor filed an objection to POC 2-1, therefore, the necessity of a provision to this claims depends on the outcome of the objection filed July 25, 2018.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to comply with plan scheduled distribution or no sufficient information to determine it.

The plan is only paying 79% of the proof of claims filed by Roosevelt Cayma Asset Co.

***OTHER COMMENTS / OBJECTIONS**

None.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

